

REMARKS

This is a full and timely response to the outstanding non-final Office Action (Paper No. 13). The Examiner has required the Applicants to elect to prosecute either claims 17, 22, 26, 32 or claims 36, 41, 45, 52. However, Applicants believe that the Examiner intended for Applicants to elect to prosecute either claims 17-35 or claims 36-55. In response to the restriction requirement, Applicants respectfully elect to prosecute the claims 17-35, with traverse, as set out hereafter.

On January 16, 2003, a telephone conference was conducted with Examiner Shawn An and Applicants' undersigned representative, Mr. Minh Nguyen, regarding the outstanding final Office Action. The elements of "the plurality of video data associated the dominant images transferred at a relatively higher data transmission than the plurality of video data associated with the background image" and "assigning a higher number of error control overhead bits to the object macro blocks than to the background macro blocks" were discussed during the conference. The Examiner indicated that claims 4, 8, 11, and 15 were in favorable condition for allowance for at least the reason that they include the element of "assigning a higher number of error control overhead bits to the object macro block than to the background macro blocks."

On February 17, 2003, Applicants filed an RCE canceling claims 1-16 without prejudice or disclaimer and adding new claims 17-55. Claims 17, 22, 26, 32, 40, 44, 50, and 54 are believed to be in condition for allowance because they include the elements of claims 4, 8, 11, and 15 that the Examiner indicated are in favorable condition for allowance. In addition, Applicants would like to point out that the element of "receiving a location vector and at least one motion vector of the object macro block in a previous frame, the location vector and the at least one motion vector corresponds to location of the object macro block that is missing in a current frame, and replacing

the object macro block that is missing in the current frame with the object macro block in the previous frame," are included in claims 20, 24, 29, 34, 36, 41, 45, and 52, and are believed to be allowable subject matter.

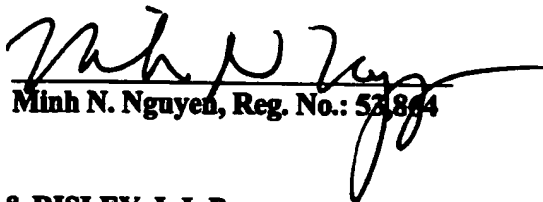
As provided in 35 U.S.C. § 121, restriction to one of two or more claimed inventions is proper only if the inventions are "independent and distinct." In its discussion of the propriety of restrictions, MPEP § 803 further provides that if search and examination of two or more inventions can be made without "serious burden," the Examiner must examine them on the merits even if the claims are directed to distinct or independent inventions.

As described above, the RCE added claims 17-55. Claims 17, 22, 26, 32, 40, 44, 50, and 54 include the element of "assigning a higher number of error control overhead bits to the object macro block than to the background macro block", and are believed to be in condition for allowance. Claims 20, 24, 29, 34, 36, 41, 45, and 52 include the elements of "receiving a location vector and at least one motion vector of the object macro block in a previous frame, the location vector and the at least one motion vector corresponds to location of the object macro block that is missing in a current frame, and replacing the object macro block that is missing in the current frame with the object macro block in the previous frame," and are believed to be allowable subject matter. The two elements, as described above for example, are included in both sets of claims. Consequently, Applicants respectfully submit that the invention as described in these claims are not "independent" as defined in MPEP § 803 and that the Restriction Requirement therefore is improper as between claims 17-35 and claims 36-55.

For at least the foregoing reasons, Applicants respectfully traverse the restriction requirement and respectfully request the Examiner to examine the claims 17-55 together.

Applicants expressly reserve the right to present the non-elected claims, or variants thereof, in continuing applications to be filed subsequent to the present application. Applicants request that the Examiner telephone Applicants' representative, Mr. Minh Nguyen, at (770) 933-9500 to expedite the prosecution of this application.

Respectfully submitted,


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